

Federal, State, and local agencies are engaged in a historic effort to respond to the Mississippi River flooding. The Corps of Engineers is heavily engaged in the flood fight as part of its responsibility for operating the Mississippi River and Tributaries System. In order to reduce the risk of a levee failure within the Mississippi River and Tributaries System and to prevent the loss of life and property that otherwise would potentially occur in the Mississippi Delta region, the Corps decided to raise the water level of Eagle Lake to create a temporary water berm.

The Corps is establishing a process to accept and review claims from members of the public who believe they are entitled to compensation for damages caused by or property taken as a result of temporarily raising the lake level in Eagle Lake. The process will allow the Government to evaluate the claims, and, if liable, to offer appropriate compensation as permitted by law.

For a claim of personal injury or property damage due to negligence, federal law requires that a claimant file a written administrative claim within two years of the act causing the damage or injury. Filing this administrative claim is a legal prerequisite to filing litigation seeking compensation. Filing the claim can be accomplished by submitting a completed Standard Form 95 (SF-95) and sending it to the Vicksburg District Office of Counsel.

For a claim for compensation based on an alleged “taking” by the United States of property as a result of raising the lake level, there is no legal requirement that an administrative claim be filed. A property owner is free to file litigation seeking compensation in the appropriate federal court. However, the Corps will accept takings claims for those who wish to have their claims reviewed administratively. Here, too, filing of the claim can be accomplished by submitting a completed SF-95 and sending it to the Vicksburg District Office of Counsel.

Members of the public may also be entitled to other forms of emergency relief or assistance unrelated to the claims process. However, any such programs would be administered by other Federal, State, or local agencies and requests for emergency assistance and recovery should be directed to those officials.

This information, plus additional details on the claims process (including a sample of SF-95) will be made available on line at www.mvk.usace.army.mil. This statement, the other information on the web site along with the providing the copy of the SF 95 Claim Form are, of course, entirely without prejudice to any rights or defenses that the United States or Department of the Army may have in this matter, and none of the statements contained herein should be construed as an admission of liability.